

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF FLIGHT
ATTENDANTS – CWA, AFL-CIO,

Plaintiff,

v.

PENSION BENEFIT GUARANTY
CORPORATION,

Defendant.

Civil Action No.: 1:05CV01036

Judge Ellen Segal Huvelle

ORDER

Upon consideration of the Pension Benefit Guaranty Corporation's Motion for Protective Order and the Memorandum in Support thereof, this Court finds that:

1. Volumes six through twelve of the Administrative Record of the Pension Benefit Guaranty Corporation's Determination to Terminate the United Airlines Flight Attendant Defined Benefit Pension Plan ("Administrative Record") contain information protected from disclosure under 29 U.S.C. § 1310(c), which evidences a compelling government interest in nondisclosure of the information;
2. Volumes six through twelve of the Administrative Record contain proprietary information provided to PBGC pursuant to confidentiality agreements with United Air Lines, Inc. ("United") and the Official Committee of Unsecured Creditors in United's bankruptcy case, the release of which could harm United's competitive position and its ability to reorganize effectively under Chapter 11;
3. Volumes six through twelve of the Administrative Record contain information

provided to PBGC pursuant to above-mentioned confidentiality agreements, and PBGC, a government agency, in the course of fulfilling its statutory function, has regular need for business confidential information and thus has a compelling interest in honoring its confidentiality agreements; and

4. Other procedures for protecting the information will not suffice due to the volume, quantity, and pervasiveness of the information described in paragraphs 1 through 3, above.

THEREFORE, it is this _____ day of _____, 2005,

ORDERED, that Pension Benefit Guaranty Corporation's Motion for Entry of an Order Authorizing Filing Documents under Seal is granted; and

ORDERED, that volumes six through twelve of the Administrative Record of the Pension Benefit Guaranty Corporation's Determination to Terminate the United Airlines Flight Attendant Defined Benefit Pension Plan may be filed under seal and remain under seal indefinitely, and access to the document will be limited to Plaintiff and its representatives.

Dated: _____

U.S. District Judge